

Executive Summary – Enforcement Matter – Case No. 47947

Chester Alton Andrews

RN102095619

Docket No. 2013-2086-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Alta Vista Mobile Home Park, located approximately 13 miles north-northeast of the Fort Worth central business district and 1.9 miles east of IH-35 West on the north bank of Big Bear Creek, west of its crossing of Alta Vista Road and approximately 0.5 mile south of the intersection of Alta Vista Road and Keller-Hicks Road, Keller, Tarrant County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 14, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,375

Amount Deferred for Expedited Settlement: \$2,875

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$335

Total Due to General Revenue: \$11,165

Payment Plan: 35 payments of \$319 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unsatisfactory

Site/RN - Unsatisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 47947
Chester Alton Andrews
RN102095619
Docket No. 2013-2086-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 25, 2013

Date(s) of NOE(s): November 8, 2013

Violation Information

1. Failed to submit a complete discharge monitoring report for the monitoring period ending October 31, 2012 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 1].
2. Failed to comply with permitted effluent limitations for total suspended solids, *Escherichia coli*, dissolved oxygen, total residual chlorine, and 5-day biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011032001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By November 22, 2013, the Respondent implemented the following corrective measures:

- a. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting requirements are properly accomplished; and
- b. Prepared and submitted a revised discharge monitoring report to include the missing effluent parameter data for pH for the monitoring period ending October 31, 2012.

Technical Requirements:

The Order will require the Respondent to, within 180 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0011032001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Executive Summary – Enforcement Matter – Case No. 47947

Chester Alton Andrews

RN102095619

Docket No. 2013-2086-MWD-E

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-2547; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Chester Alton Andrews, Owner, 11093 Alta Vista Road, Keller, Texas
76248

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	11-Nov-2013	Screening	14-Nov-2013	EPA Due	
	PCW	16-Jan-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Chester Alton Andrews		
Reg. Ent. Ref. No.	RN102095619		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47947	No. of Violations	3
Docket No.	2013-2086-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Alejandro Laje
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$9,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	60.0% Enhancement	Subtotals 2, 3, & 7	\$5,400
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Notes: Enhancement for five months of self-reported effluent violations, one order without denial of liability, and Unsatisfactory Performer status.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$25
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,067
Approx. Cost of Compliance \$10,275
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,375
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$14,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,375
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,875
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,500
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Screening Date 14-Nov-2013

Docket No. 2013-2086-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 3 (September 2011)

Case ID No. 47947

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for five months of self-reported effluent violations, one order without denial of liability, and Unsatisfactory Performer status.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date 14-Nov-2013

Docket No. 2013-2086-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 3 (September 2011)

Case ID No. 47947

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.1 and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011032001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to submit a complete discharge monitoring report ("DMR") for the monitoring period ending October 31, 2012, as documented during a record review conducted on October 25, 2013. Specifically, the effluent parameter data for pH was not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

367 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$25

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent returned to compliance on November 22, 2013.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$375

This violation Final Assessed Penalty (adjusted for limits) \$375

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 47947
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	25-Oct-2013	22-Nov-2013	0.08	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Nov-2012	22-Nov-2013	1.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit a revised DMR (\$25 per report) to include the missing effluent parameter data for pH, and update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished. Dates required are the date the DMR was due and the date of the record review. Final dates are the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$275

TOTAL

\$2

Screening Date 14-Nov-2013

Docket No. 2013-2086-MWD-E

PCW

Respondent Chester Alton Andrews

Case ID No. 47947

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011032001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on October 25, 2013, and as shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was utilized to evaluate the values for biochemical oxygen demand (5-day) to determine whether the discharged amounts exceeded levels protective of human health or the environment. Total suspended solids, chlorine residual, dissolved oxygen, and *Escherichia coli* were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 4

213 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Four quarterly events are recommended for the quarters containing the months of August 2012, October 2012, December 2012, February 2013, March 2013, April 2013, and July 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,064

Violation Final Penalty Total \$8,000

This violation Final Assessed Penalty (adjusted for limits) \$8,000

Economic Benefit Worksheet

Respondent Chester Alton Andrews

Case ID No. 47947

Reg. Ent. Reference No. RN102095619

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**

Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Aug-2012	17-Oct-2014	2.13	\$1,064	n/a	\$1,064

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and return to compliance with permitted effluent limitations. Date required is the initial date of noncompliance. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,064

Screening Date 14-Nov-2013

Docket No. 2013-2086-MWD-E

PCW

Respondent Chester Alton Andrews

Policy Revision 3 (September 2011)

Case ID No. 47947

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102095619

Media [Statute] Water Quality

Enf. Coordinator Alejandro Laje

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011032001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on October 25, 2013, and as shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed protective levels as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

30

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the month of September 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,000

This violation Final Assessed Penalty (adjusted for limits) \$6,000

Economic Benefit Worksheet

Respondent Chester Alton Andrews
Case ID No. 47947
Reg. Ent. Reference No. RN102095619
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Chester Alton Andrews
Docket No. 2013-2086-MWD-E
TPDES Permit No. WQ0011032001

Effluent Violation Table

Month/ Year	TSS	TSS	TSS	BOD	BOD	BOD	CR	CR	<i>E. coli</i>	<i>E. coli</i>	DO
	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.	Min. Conc.	Max. Conc.	Daily Avg. Conc.	Single Grab Conc.	Min. Conc.
	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 1.3 lb/d	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 1.3 lb/d	Limit = 1.0 mg/L	Limit = 4.0 mg/L	Limit = 126 CFU	Limit = 394 CFU	Limit = 2.0 mg/L
August 2012	c	c	c	c	c	c	0.01	5	c	c	c
September 2012	c	c	c	c	c	c	c	c	2,400	2,400	c
October 2012	39	93	1.4	29	c	c	c	c	c	c	c
December 2012	c	c	c	c	c	c	c	c	2,000	2,000	c
February 2013	22	c	c	c	c	c	c	c	c	c	c
March 2013	25	c	c	c	c	c	c	c	360	c	c
April 2013	92	280	3.1	47	160	1.6	c	c	c	c	c
July 2013	38	120	c	c	c	c	c	c	c	c	c

TSS = total suspended solids

BOD = biochemical oxygen demand (5-day)

CR = chlorine residual

E. coli = *Escherichia coli*

DO = dissolved oxygen

Avg. = Average

Conc. = concentration

Load. = loading

Min. = minimum

Max. = maximum

mg/L = milligrams per liter

lb/d = pounds per day

CFU = colony forming units per 100 milliliters

c = compliant



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603085531, RN102095619, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603085531, ANDREWS, CHESTER ALTON
Classification: UNSATISFACTORY **Rating:** 60.36

Regulated Entity: RN102095619, ALTA VISTA MOBILE HOME PARK
Classification: UNSATISFACTORY **Rating:** 60.36

Complexity Points: 5
Repeat Violator: NO

CH Group: 14 - Other

Location: located approximately 13 miles north-northeast of the City of Forth Worth central business district and 1.9 miles east of Interstate Highway 35 West on the north bank of Big Bear Creek, west of its crossing of Alta Vista Road and approximately 0.5 mile south of the intersection of Alta Vista Road and Keller-Hicks Road in the City of Keller, Tarrant County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
WASTEWATER PERMIT WQ0011032001 **WASTEWATER EPA ID** TX0023591
WASTEWATER LICENSING LICENSE WQ0011032001

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: December 13, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 13, 2008 to December 13, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Alejandro Laje **Phone:** (512) 239-2547

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/27/2012 ADMINORDER 2011-0792-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: failed to have the backflow prevention device tested annually.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(B)
Rqmt Prov: Operational Requirements No. 11.f. PERMIT
Sludge Provisions, Section II.E PERMIT
Description: Failed to have all required monitoring and reporting records for sludge removal from the Facility available for

review upon request
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov:WQ0011302-001 PERMIT
Description: Failed to implement an adequate disinfection mechanism.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov:WQ0011032-001 PERMIT
Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121

Rqmt Prov:WQ0011302-001 PERMIT
Description: Failed to prevent the unauthorized discharges of wastewater
Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
Rqmt Prov:WQ0011032-001 PERMIT

Description: Failed to report the unauthorized discharges of wastewater
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limitations & Mon. Req. 1,2,&6 PERMIT
Description: Failed to comply with the permitted effluent limits. This violation includes violation tracking no. 431981.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(b)
30 TAC Chapter 319, SubChapter A 319.11(d)

Rqmt Prov:Monitoring and Reporting Req. no 2 PERMIT
Description: Failed to provide accurate flow measurements that conform to those prescribed in the Water Measurements Manual, United States Department of the Interior Bureau of Reclamation, Washington, D.C. or methods that are equivalent as approved by the Executive Director and to properly conduct the chlorine residual analysis. This violation includes violation tracking no. 431985.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov:WQ0011032-001 PERMIT
Description: Failed to conduct and maintain records of process controls at the Facility
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov:Monitoring and Reporting Req. No. 1 PERMIT
Description: Failed to submit DMRs at the specified frequency.
Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Monitoring and Reporting Req. No. 7.c PERMIT
Description: Failed to submit noncompliance notification reports for effluent violations which deviate from the permitted effluent limitation by more than 40%.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov:Sludge Provisions PERMIT

Description: failed to submit a timely, complete, and accurate annual sludge report for the monitoring period ending July 31, 2010.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 18, 2010	(874120)
Item 2	September 09, 2010	(867065)
Item 3	October 18, 2010	(874109)
Item 4	November 29, 2010	(881723)
Item 5	March 14, 2011	(916555)
Item 6	April 25, 2011	(925437)
Item 7	May 18, 2011	(938243)

Item 8	June 17, 2011	(945619)
Item 9	July 20, 2011	(952859)
Item 10	August 15, 2011	(959524)
Item 11	September 08, 2011	(959523)
Item 12	October 05, 2011	(971599)
Item 13	November 07, 2011	(977766)
Item 14	December 07, 2011	(984532)
Item 15	January 05, 2012	(990823)
Item 16	February 15, 2012	(998191)
Item 17	March 14, 2012	(1003711)
Item 18	April 04, 2012	(1010278)
Item 19	May 14, 2012	(1016668)
Item 20	August 16, 2012	(1038154)
Item 21	December 28, 2012	(1061768)
Item 22	February 22, 2013	(1079433)
Item 23	June 27, 2013	(1110518)
Item 24	July 18, 2013	(1117405)
Item 25	September 20, 2013	(1129762)
Item 26	October 24, 2013	(1135502)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 12/31/2012 (1079434)	CN603085531	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 02/28/2013 (1089529)	CN603085531	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 03/31/2013 (1095919)	CN603085531	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 04/30/2013 (1106859)	CN603085531	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 07/31/2013 (1125172)	CN603085531	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHESTER ALTON ANDREWS
RN102095619

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2013-2086-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chester Alton Andrews ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located approximately 13 miles north-northeast of the City of Fort Worth central business district and 1.9 miles east of Interstate Highway 35 West on the north bank of Big Bear Creek, west of its crossing of Alta Vista Road and approximately 0.5 mile south of the intersection of Alta Vista Road and Keller-Hicks Road in the City of Keller, Tarrant County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 13, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Three Hundred Seventy-Five Dollars (\$14,375) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Thirty Five Dollars (\$335) of the administrative penalty and Two Thousand Eight Hundred Seventy-Five Dollars (\$2,875) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Eleven Thousand One Hundred Sixty-Five Dollars (\$11,165) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Nineteen Dollars (\$319) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by November 22, 2013, the Respondent implemented the following corrective measures at the Facility:
 - a. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting requirements are properly accomplished; and
 - b. Prepared and submitted a revised discharge monitoring report ("DMR") to include the missing effluent parameter data for pH for the monitoring period ending October 31, 2012.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to submit a complete DMR for the monitoring period ending October 31, 2012, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and Texas Pollutant Discharge Elimination System Permit ("TPDES") No. WQ0011032001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on October 25, 2013. Specifically, the effluent parameter data for pH was not reported.
2. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0011032001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6, as documented during a record review conducted on October 25, 2013, and as shown in the effluent violation table below:

Month/ Year	TSS	TSS	TSS	BOD	BOD	BOD	CR	CR	<i>E. coli</i>	<i>E. coli</i>	DO
	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.	Daily Avg. Conc.	Single Grab Conc.	Daily Avg. Load.	Min. Conc.	Max. Conc.	Daily Avg. Conc.	Single Grab Conc.	Min. Conc.
	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 1.3 lb/d	Limit = 20 mg/L	Limit = 65 mg/L	Limit = 1.3 lb/d	Limit = 1.0 mg/L	Limit = 4.0 mg/L	Limit = 126 CFU	Limit = 394 CFU	Limit = 2.0 mg/L
August 2012	c	c	c	c	c	c	0.01	5	c	c	0
September 2012	c	c	c	c	c	c	c	c	2,400	2,400	c
October 2012	39	93	1.4	29	c	c	c	c	c	c	c
December 2012	c	c	c	c	c	c	c	c	2,000	2,000	c
February 2013	22	c	c	c	c	c	c	c	c	c	c
March 2013	25	c	c	c	c	c	c	c	360	c	c
April 2013	92	280	3.1	47	160	1.6	c	c	c	c	c
July 2013	38	120	c	c	c	c	c	c	c	c	c

TSS = total suspended solids

BOD = biochemical oxygen demand (5-day)

CR = chlorine residual

E. coli = *Escherichia coli*

DO = dissolved oxygen

Avg. = Average

Conc. = concentration

Load. = loading

Min. = minimum

Max. = maximum

mg/L = milligrams per liter

lb/d = pounds per day

CFU = colony forming units per 100 milliliters

c = compliant

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chester Alton Andrews, Docket No. 2013-2086-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that, within 180 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0011032001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph

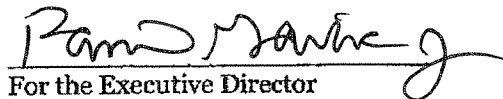
exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director


3/25/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

1-31-2015
Date

Chester Andrews
Name (Printed or typed)
Authorized Representative of
Chester Alton Andrews

Owner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.